

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.,
STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

Defendants.

JOINT EMERGENCY MOTION TO EXTEND PRE-TRIAL DEADLINES

NOW COMES the Plaintiff and Defendants in the above-captioned action (collectively the "Parties") and jointly move for an order extending the pretrial deadlines contained in the Case Management and Scheduling Order in this matter twenty-one (21) days. In support of this motion, the Parties state as follows:

1. Plaintiff *pro se* Peter A. Crawford commenced this action on January 12, 2005. On June 14, 2005, this Court issued its Scheduling Order, which set forth several pretrial deadlines.
2. To date, the parties have engaged in written, documentary and deposition discovery. Both sides have served initial and follow-up interrogatories, document requests, and the plaintiff has served requests for admissions. To date, seven depositions have already been taken in this case.
3. The parties have had certain disagreements with respect to the proper scope of discovery in this action. These differences have led to at least four separate discovery motions,

all of which have slowed the pace of the discovery process. The Court issued Orders resolving the parties' discovery motions on January 6, 2006.

4. On January 17, 2006, plaintiff filed a Motion for Leave to Amend his Complaint. Plaintiff's Amended Complaint supplements his original claims by asserting two new claims – causes of action for fraud and for an accounting.

5. On January 31, 2006, defendants filed a Notice of Non-Opposition to plaintiff's Motion for Leave to Amend his Complaint. Plaintiff's motion for Leave to Amend his Complaint was granted on February 1, 2006.

6. Defendants assert that plaintiff's newly asserted claims – especially his claim sounding in fraud – are unrelated to the claims articulated in plaintiff's original Complaint.

7. The close of discovery in this case had been set for February 3, 2006.

8. Defendants assert that because of the novel nature of plaintiff's newly asserted allegations, defendants will require additional time to investigate and conduct discovery necessary to defend against those claims. Plaintiff consents to the limited additional time provided herein for defendants to do so.

9. Thus, the parties are hereby requesting that the pre-trial deadlines be extended as set forth below.

10. The parties are hereby requesting that (along with the other pre-trial deadlines outlined below) the deadline to conduct additional discovery be extended for an additional 21 days.

11. Neither party will be prejudiced by this requested extension.

12. Prior to this request (and prior to plaintiff's Motion to Amend), the parties filed one joint motion for an extension of the discovery deadline.

13. The parties respectfully submit that no memorandum of law is necessary to support this motion.

14. Additionally, the parties note their joint understanding that the currently operative scheduling orders and discovery deadlines do *not* apply to expert disclosures which, under Fed. R. Civ. P. 26(a)(2)(c), are normally made “at least 90 days before the trial date.” The parties have discussed expert disclosure and agree that it makes sense to conduct such disclosure and discovery after summary judgment and before trial. Both parties agree that the Court’s ruling on summary judgment could obviate the need for experts altogether. The parties are in the process of executing a stipulation memorializing this understanding.

15. A proposed order is attached hereto as Exhibit A.

WHEREFORE, the parties move that the following pre-trial deadlines in this case be extended as follows:

- (a) Discovery close = February 24, 2006
- (b) Summary judgment motion deadline = March 17, 2006
- (c) Responses to summary judgment motions = March 31, 2006
- (d) Status Report filing deadline = April 7, 2006
- (e) Status conference = scheduled at the Court’s convenience

Respectfully submitted,

PETER A. CRAWFORD,

WOLVERINE, PROCTOR & SCHWARTZ,
INC.; DEEPAK S. KULKARNI and STEVEN
CHILINSKI,

Plaintiff *Pro Se*

By their attorneys,

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Dated: February 3, 2006

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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WOLVERINE, PROCTOR & SCHWARTZ, INC.,
STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

Defendants.

**ORDER ON THE JOINT EMERGENCY MOTION
TO EXTEND PRE-TRIAL DEADLINES**

THIS CAUSE is before the Court upon the defendants' Motion to extend certain pre-trial deadlines twenty-one (21) days. Having considered the bases of the Motion, and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED that:

The Parties Joint Motion to Extend Pre-Trial Deadlines is _____.

The Scheduling Order shall be modified as follows:

- (a) Discovery close = February 24, 2006
- (b) Summary judgment motion deadline = March 17, 2006
- (c) Responses to summary judgment motions = March 31, 2006
- (d) Status Report filing deadline = April 7, 2006
- (e) Status conference = scheduled at the Court's convenience

DONE AND ORDERED in Chambers, in Boston, Massachusetts, this _____ day of

February 2006.

HON. DOUGLAS P. WOODLOCK
United States District Judge

Copies furnished to:

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